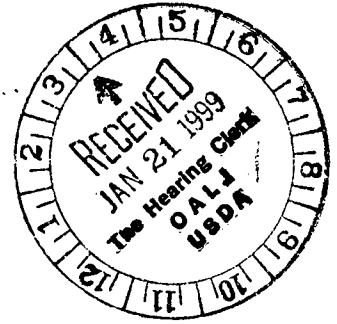


UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:)	PACA Docket No. D-98-11
)	
R.A.M. Produce Distributors, Inc.)	
)	
Respondent)	Consent Decision and Order

Preliminary Statement

This is a disciplinary proceeding under the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. § 499a et seq; hereinafter referred to as the "Act"), instituted by a Complaint filed on January 16, 1998, by the Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture.

The Complaint alleges that R.A.M. Produce Distributors, Inc., made, for a fraudulent purpose, false and misleading statements in connection with perishable agricultural commodities which it purchased, received, and accepted in interstate commerce. Such false and misleading statements were made when respondent, through its agent Nicholas C. Pizzo, altered the contents of nine U.S. Department of Agriculture, Agricultural Marketing Service Inspection Certificates which were issued on July 2, 1996, July 8, 1996, July 18, 1996, July 23, 1996, August 20, 1996, August 23, 1996, September 20, 1996, and October 7, 1996.

A copy of the Complaint was served upon Respondent. The Respondent and Complainant have now agreed to the entry of a Decision and Order as set forth herein. Therefore, pursuant to Section 1.138 of the Rules of Practices (7 C.F.R. § 1.138), the following Decision and Order is issued without further procedure or hearing.

Findings of Fact

1. Respondent, R.A.M. Produce Distributors Inc., is a corporation organized and existing under the laws of the State of Michigan. Its business mailing address is 340 South Oakwood Boulevard, Detroit, Michigan 48217. Pursuant to the licensing provisions of the PACA, license number 890031 was issued to respondent on October 11, 1988. This license has been renewed annually and is next subject to renewal on or before October 11, 1999.

2. The Secretary has jurisdiction over Respondent and the subject matter involved herein.

3. As set forth more fully in paragraph III of the Complaint, Respondent made, through its agent, for a fraudulent purpose, false and misleading statements in connection with perishable agricultural commodities which it purchased, received, and accepted in interstate commerce. Such false and misleading statements were made when Respondent, through its agent Nicholas C. Pizzo altered the contents of nine U.S. Department of Agriculture, Agricultural Marketing Service Inspection Certificates which were issued on July 2, 1996, July 8, 1996, July 18, 1996, July 23, 1996, August 20, 1996, August 23, 1996, September 20, 1996, and October 7, 1996.

4. Respondent has made restitution totaling \$9,644.30 for the monetary changes made to three of its sellers' invoices as a result of the altered inspections discussed in the Complaint .

Conclusions

Respondent's agent made, for a fraudulent purpose, false and misleading statements in connection with produce purchased, received, and accepted in interstate commerce as set forth in Finding of Fact number 3 above, and the acts of Respondent's agent are the acts of Respondent (7 U.S.C. § 499p), therefore, Respondent has committed wilful, flagrant and repeated violations

of Section 2(4) of the PACA (7 U.S.C. § 499b(4)), for which the Order below is issued.

Order

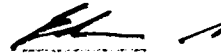
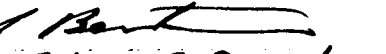
The Respondent, R. A. M. Produce Distributors, Inc., is hereby assessed a civil penalty in the amount of \$55,000.00. A thirty day suspension of Respondent's PACA license is being held in abeyance pending the payment of the full civil penalty. In addition, Respondent agrees to continue implementing and monitoring a compliance program that will detect and correct future PACA violations of this type. Respondent also agrees to outline, in writing, the firm's policy regarding falsification of documents, make the policy available to all employees and, further, agrees to counsel all employees regarding this policy, at least on an annual basis. If Respondent fails to satisfy the civil penalty according to the terms of the Understanding With Respect to Civil Penalty and Payment Terms entered into with Complainant, the 30 day suspension of Respondent's PACA license shall automatically commence upon notice to Respondent without further procedure.

This order shall become final upon issuance.

Copies hereof shall be served upon the parties.


Done at Washington, D.C.

This 21 day of Jan 1989


 
~~Victor W. Palmer~~ Edwin S. Bernden

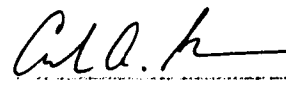
active Chief Administrative Law Judge

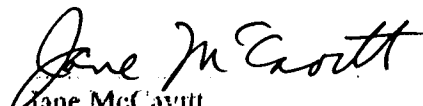
For Respondent:


Robert A. Mastronardi
President
R.A.M. Produce Distributors, Inc.

For Complainant:


Eric Forman
Associate Deputy Administrator
Fruit and Vegetable Programs
Agricultural Marketing Service


Carolann A. Swanson
Attorney for Respondent


Jane McCavitt
Attorney for Complainant